

**CITY OF CENTRAL
CITY COUNCIL MEETING
September 16, 2014**

CALL TO ORDER

A regular meeting of the City Council for the City of Central was called to order by Mayor Engels at 7:00 p.m., in City Hall on September 16, 2014.

ROLL CALL

Present: Mayor Engels
Alderman Spain
Alderman Gaines
Alderman Heider
Alderman Voorhies

Absent: None

Staff Present: City Manager Miera
City Clerk Bechtel
Attorney McAskin
Finance Director Flowers
Utilities/PW Superintendent Griffith
Police Chief Krelle
Fire Chief Allen

The Pledge of Allegiance was recited by all present.

ADDITIONS AND/OR AMENDMENTS TO THE AGENDA

The agenda was approved as presented.

CONFLICTS OF INTEREST

No Council Member disclosed a conflict regarding any item on the agenda.

CONSENT AGENDA

Alderman Voorhies moved to approve the consent agenda containing the regular bill lists for August 21, 28, and September 4, 11, 2014; and the City Council minutes for the meeting on August 19, 2014. Alderman Gaines seconded, and without discussion, the motion carried unanimously.

PUBLIC FORUM/AUDIENCE PARTICIPATION

No one requested time to address the Council.

SECOND READING AND PUBLIC HEARING

Ordinance No. 14-07: *An ordinance of the City Council of the City of Central, Colorado amending certain provisions of Article IX of Chapter 6 and Article I of Chapter 16 of the Central City Municipal Code.*

Attorney McAskin gave background as follows: Ordinance No. 14-07 proposes minor revisions to Chapters 6 and 16 of the Municipal Code. Chapter 16 of the Code is the City's Zoning Ordinance.

Section 16-10-20 of the Municipal Code requires that any proposed amendments to the Zoning Ordinance be referred to the City's Planning Commission for study and recommendation.

The Planning Commission held a public hearing on Wednesday, September 3, 2014 in order to consider the proposed revision to the Zoning Ordinance. Notice of the September 3rd Planning Commission public hearing was published in The Weekly Register-Call on August 7, 2014.

Following the conclusion of the public hearing, Planning Commission made a motion to recommend approval of Ordinance No. 14-07 to City Council. The motion was unanimously approved.

The City Council is being asked to consider Ordinance 14-07 on second reading on September 16, 2014. The proposed Ordinance was considered on first reading on August 5, 2014. Following policy guidance from City Council at the July 15, 2014 work session, the proposed ordinance bans marijuana clubs, businesses, and all other commercial marijuana operations that are not contemplated or authorized by Colorado law or City ordinance.

By virtue of an amendment to the state constitution in 2000 known as Amendment 20, Colorado voters created a limited exception to state criminal laws for persons using marijuana for authorized medical reasons. Pursuant to that amendment, the Colorado legislature declared unlawful *any* operation related to the production and sale of medical marijuana *except* three types of businesses that it authorized via the state Medical Marijuana Code. In a similar fashion, Amendment 64 and its implementing statutes only authorize four types of commercial operations related to retail marijuana: retail marijuana stores and cultivation, products manufacturing, and testing facilities. The City has banned three of the four commercial operations authorized pursuant to Amendment 64, and currently only allows the operation of retail marijuana stores within City boundaries.

Neither state law nor the City's existing marijuana regulations contemplate, authorize, permit, or protect any other type of business related to marijuana. However, City Staff is aware that entrepreneurs are proposing new business models related to marijuana. For example, the City Clerk has received an informal inquiry from a group interested in redeveloping Scarlett's Casino to include a venue for smoking marijuana and consuming other marijuana products, in addition to a movie theater and restaurant. City regulations do not currently permit this type of land use.

Proposed Ordinance No. 14-07 clarifies that the City does not permit any other type of marijuana-related business other than those medical marijuana establishments and retail marijuana stores that the City specifically allows and regulates.

Notice of the City Council public hearing on this proposed Ordinance was published in The Weekly Register-Call on August 7, 2014. A copy of the publisher's affidavit is on file with the City Clerk's office.

Mayor Engels clarified that this proposed Ordinance does not change our existing uses allowed. Attorney McAskin replied that is correct with only medical and retail sales of marijuana currently allowed. Mayor Engels opened the public hearing at 7:07 p.m. and invited comment.

Kathleen Ashbaugh, 440 Spring Street, stated that this ordinance is in direct conflict with the recent visioning meetings which discussed the City considering new business types. Marijuana testing would bring additional jobs and smoking clubs may increase foot traffic. There are other communities such as Nederland, Denver, and Colorado Springs that have allowed smoking clubs and this is an opportunity for the City to step outside the box and be bold.

Judy Laratta, 113 Spruce Street, stated that the City looks for reasons to turn down business and we need to take a look at all options.

With no additional comments offered, Mayor Engels closed the public hearing at 7:11 p.m.

Alderman Gaines moved to adopt Ordinance No. 14-07: An ordinance of the City Council of the City of Central, Colorado amending certain provisions of Article IX of Chapter 6 and Article I of Chapter 16 of the Central City Municipal Code. Alderman Voorhies seconded. Alderman Heider stated that Central City did issue the very first Retail Marijuana License in the country and at this time does see the benefit for this business type. Alderman Gaines added that we would like to be discretionary about new businesses. Mayor Engels clarified that though there are some smoking clubs open in Colorado, they are not approved by State Law. When Mayor Engels called the question, the motion carried unanimously.

ACTION ITEMS: NEW BUSINESS

Resolution No. 14-15: *A resolution of the City Council of the City of Central, Colorado recognizing Colorado Cities and Towns week, October 20-26, 2014 and encouraging all citizens to support the celebration and corresponding activities.*

City Manager Miera explained this proposed resolution supports the Colorado Municipal League's initiative to create a week to acknowledge and celebrate the work that municipal government does day in and day out. It assists in communicating a unified statewide message that cities and towns are committed to making Colorado a wonderful state in which to live, work, and play. CML is sponsoring the *Colorado Cities & Towns Week* to encourage municipalities to inform their residents, in a unique way, about the vital services provided by their city or town. Central City plans to raise public awareness about the services the City performs and educate the public on how municipal government works. The City will participate in youth engagement activities, public outreach (PSAs and other electronic media), and related community events.

No outlay of any funds will be necessary, however there will be a minimal time commitment from the City Manager and/or staff to participate in certain activities.

Mayor Engels acknowledged Manager Miera for the collaboration with CML to customize the materials for Central City.

Alderman Gaines moved to approve Resolution No. 14-15: A resolution of the City Council of the City of Central, Colorado recognizing Colorado Cities and Towns week, October 20-26, 2014 and encouraging all citizens to support the celebration and corresponding activities. Alderman Spain seconded, and without discussion, the motion carried unanimously.

2013 Audit Presentation

Finance Director Flowers gave the background as follows: in April of this year, John Cutler & Associates performed an audit of the City's financial procedures, practices, and financial statements for the year ended December 31, 2013. Over the course of the past few months staff and John Cutler & Associates have worked together to draft and prepare the finalized 2013 Audited Financial Statements. The financial statements illustrate the financial transactions of the City over the course of 2013 and present the City's financial information, in whole and as separate units, as of December 31, 2013. This was a clean audit as per the Opinion Letter from John Cutler and Associates, LLC.

Prior to submitting the Audited Financial Statements to the State as required by law, it is necessary for Council to formerly accept and approve the document. The City obtained an extension for filing with the State until September 30, 2013 due to late receipt of the BID's audited information.

Alderman Heider recognized this is a very good result given with our antique accounting system. Council concurred. Alderman Voorhies added this is an excellent document to review as we head in to the 2015 Budget cycle.

Alderman Voorhies moved to accept and approve the City of Central's 2013 Audited Financial Statements. Alderman Spain seconded, and without discussion, the motion carried unanimously.

Acceptance of 2015 CIRSA Property/Casualty & WC Quotes

Finance Director Flowers explained as follows: the City has received CIRSA's Preliminary Contribution Quotes for 2015 Property/Casualty and Workers' Compensation Insurance coverage. In order for CIRSA to finalize the Quotes it is necessary for City Council to formally accept the quotes. By doing so, Council is choosing the City's insurance carrier for Property/Casualty and Workers' Compensation for 2015. CIRSA requires acceptance of their Preliminary Quotations by October 1, 2014.

FISCAL IMPACTS:

Property/Casualty – The Preliminary 2015 quote is \$79,042. This is a decrease of 8% (\$7,192) from 2014's accepted premium amount. This decrease reflects a decrease in property/casualty claims from those made in 2013 as well as the fact that no major changes in equipment and/or vehicles are projected for the upcoming year. If major purchases for equipment and/or vehicles does happen during 2015, a premium adjustment will be sent to the City when the assets are added to the policy. For reference, between 2013 and 2014 there was an increase of 10%.

Workers' Compensation – The Preliminary 2015 quote is \$54,738. This is a decrease of 13% (\$8,903). This decrease is reflective of a slight decrease in expected salaries and wages in 2015 due to not filling some open positions and a decrease in wages in some departments due to hiring staff at lower rates more in line with the Pay Plan during 2014. Further, the City has had fewer workers compensation claims to date during 2014, also reducing the premium quote. For reference, between 2013 and 2014 there was an increase of 39%.

In May, the Finance Director prepares and submits to CIRSA information regarding the City's plans for personnel costs, property and equipment for the following year. CIRSA then uses this information along with the City's loss and claims history to prepare quotes for Property/Casualty and Workers' Compensation insurance coverage. Quotes are generally received at the beginning of September for approval by City Council. Once accepted by City Council, staff executes the Acceptance Form and returns it to CIRSA thereby committing to the quoted coverage for the following year.

The City did not request bids from other insurance agencies for 2015 because CIRSA is a preferred insurance provider for municipalities based on the advantages of participating in a pooled insurance group where all losses and gains are spread equally among all members. This method of pooling gains and losses generally equates to better pricing.

Mayor Engels noted that these quotes get us closer to the rates from 2 years ago.

Alderman Voorhies moved to accept the 2015 CIRSA Property/Casualty and Workers' Compensation quotes. Alderman Spain seconded, and without discussion, the motion carried unanimously.

Resolution No. 14-16: *A resolution of the City Council of the City of Central, Colorado establishing certain financial procedures specific to authorized check signatories.*

Finance Director Flowers explained that with her return from Bosnia and with the new City Manager on staff, the Finance Director no longer needs the Finance Clerk to be an authorized signatory on bank accounts. It is necessary for Council to update those persons authorized to sign checks. Resolution 14-16 establishes those elected officials and employees that are authorized to sign checks issued by the City. Resolution 14-16 removes Whitney Blake and adds Daniel Miera as a signatory.

As it is sometimes necessary for City employees to use credit or debit cards in order to make some purchases or reservations, Resolution 14-16 also recognizes that in these cases, only one (1) authorized signature will be required and lists the City employees who are authorized to have and use a City credit or debit card.

Alderman Heider moved to approve Resolution No. 14-16: A resolution of the City Council of the City of Central, Colorado establishing certain financial procedures specific to authorized check signatories. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

STAFF UPDATES

Manager Miera referred to the staff reports and opened the topic to Council questions.

Alderman Voorhies thanked Manager Miera for his budget guidelines to the Department Heads. Mayor Engels added that we appreciate him giving the budget process a fresh set of eyes and looking at all line items.

Alderman Gaines asked about the number of fire alarm call outs to 321 Gregory. Fire Chief Allen responded that it is an old alarm system and they are working to find the problem.

Alderman Gaines asked about the award to the Police Department referenced in the staff report. Chief Krelle explained they have received the American Spirit Award for communities under 10,000 that with limited resources still provide uncompromising professional service. Mayor Engels added his acclamation to the Chief and PD Staff.

COUNCIL COMMENTS

Alderman Voorhies thanked staff and the Public Works crew for all their work on the Parkway rock slide event and hopes that in two weeks it can be reopened and safe for everyone.

Alderman Heider added that it is amazing how fast the work is going with the large amount of material to be removed. Mayor Engels offered kudos to Utilities/PW Superintendent Griffith and the crew for their efforts to get the work done and adding the second shift to move the rock/dirt material while the road is open to move it forward more quickly.

PUBLIC FORUM/AUDIENCE PARTICIPATION

Joe Behm, CCBID, thanked the Council for allowing the BID to make a case to continue the shuttle service. The casinos would like to request \$50k for marketing and events in the 2015 Budget which will include some new events and added that the BID would like to do some promotions at the end of the year stating “I-70 and the Central City Parkway are now open. Come on up.”

At 7:37 p.m., Alderman Spain moved to go into Executive Session – Pursuant to C.R.S. 24-6-402(4)(b) and (4)(e) to discuss specific legal questions and to instruct negotiators concerning pending water rights cases concerning the City of Central and to invite City Manager Miera and following the session to reconvene Council if action is needed. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

At 8:21 p.m. Mayor Engels reconvened the meeting and directed City Manager Miera to contact the Water Attorney regarding water matters.

At 8:22 p.m. Mayor Engels adjourned the meeting.
The next Council meeting is scheduled for October 7, 2014 at 7:00 p.m.

Ronald E. Engels, Mayor

Reba Bechtel, City Clerk